

## REMARKS

Claims 1 – 2, 4, 5, 8 – 10, 15, and 16 are in the application. Claims 1, 15, and 16 are currently amended; claims 2, 4, 5, and 8 – 10 were previously presented; and claims 3, 6, 7, 11 – 14, 17, and 18 are canceled. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added. Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 112**

Claims 1, 2, 4, 5, 8 – 10, 15, and 16 were rejected under 35 U.S.C. 112, first paragraph for allegedly containing subject matter that was not described in the Specification in a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the invention, had possession of the claimed invention. In particular, the Final Office Action (FOA) stated that Applicant's claimed, "wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements" is not supported by the Specification. This rejection is traversed.

Applicant notes that claims 1, 15, and 16 are currently amended. Further, Applicant notes that the Specification states,

[0039] Referring now to FIG. 1A, a block diagram illustrates basic components of the present invention. A user 101 can access a computerized STM system 102 to view information relating to security risk or threat associated with a security element. The security element can include any definable geographic area, facility or resource or asset. A security risk can include any potential for physical, reputational, economic, legal or other harm.

[0040] A hierarchical relationship can be set up between any two or more elements, such that as a user traverses up or down the hierarchy, a

different set or subset of elements will be selected and addressed. Data that describes one or more security risks for a selected element can be provided by the STM system 102 to the user. Generalized security risk data can be received from a security risk data source, which can include, for example, a government agency, a private investigation firm, public news, news feeds, internal security efforts, law enforcement agency or other source.

[0041] Referring now to FIG. 2A, a block diagram illustrates a series of hierarchical levels 210-206 that a user can traverse via the STM. Each hierarchical level can allow a user to zoom in or zoom out on a level of detail relating to security elements tracked by the STM. Each hierarchical level can be associated with various aspects of one or more security risks or threats. For example a high level i.e. 201 may include a large geographic region or nationally defined element and address those security risks that are related to the region or nation. A lower level i.e. 205 may include a particular floor of a specified building and include increased detail to security risks that are related to that particular building and floor.

and

[0051] Referring now to FIG. 3C, steps that can be performed while practicing the present invention, from the perspective of a user 101, are illustrated. At 321, the user 101 can provide an indication identifying a facility and at 322 receive an indication of one or more security risks. At 323, the user 100 can input an indication of a subset of the facility, such as, for example, a floor or room within the facility. At 324, the user can receive information that describes security risks specific to the subset. (emphasis added)(Specification, paragraphs [0039] – [0041] and [0051])

Thus, it is clear that the received security risks can be associated with the hierarchical levels and the first or second elements. Additionally, the Specification discloses the received security risks can be specifically associated with the subset element (i.e., second element subordinate to the first element).

Given the current claim amendments and the disclosure discussed above, Applicant respectfully submits that no new matter is introduced in the claims and all of the claimed subject matter is in compliance with 35 USC 112, first paragraph.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 8 – 10, 15, and 16 under 35 USC 112, first paragraph.

**Claim Rejections – 35 USC § 103**

Claims 1, 2, 4, 5, 8 – 10, 15, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beverina et al. U.S. Publication No. 2001/0027388 (hereinafter, Beverina) in view of Zimmers et al. U.S. Publication No. 2005/0013417 (hereinafter, Zimmers). This rejection is traversed.

Applicant notes that claim 1 relates, in part, to a computer implemented method for managing security risk, the method including setting, in a computer storage, a hierarchical relationship between two or more elements comprising an entity wherein a first element of a first hierarchical level comprises a physical facility and a second element of a second hierarchical level subordinate to the first element comprises one of a facility, a resource, and an asset located at the physical facility of the first element; receiving into the computer storage, on a real time basis, an indication of a security risk associated with one or more of the first or second elements, wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm and is received from government agency or a news feed and wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements. Thus, it is clear that the security risk associated with the one or more of the first or second elements are also specifically associated with the corresponding hierarchical level of the first or second elements. Claims 15 and 16 are worded similar to claim 1.

Applicant respectfully maintains that the alleged “setting” of the hierarchical relationship between the first and second elements by Beverina is not the same as the claimed setting. In particular, Applicant notes that Beverina’s FIG. 5 illustrates a screenshot of a 3D Builder CAD program. No “setting” of a hierarchical relationship between a first element having a first hierarchical level and a second element having a second hierarchical level subordinate to the first element is demonstrated or articulated by Beverina. Contrary to the Office’s arguments of record, the arrangement of the floors of a building does not explicitly or implicitly set a hierarchical relationship. That is, the

mere configuration of a building does not convey or imply a hierarchical relationship. FIG. 8 of Beverina discloses the risk assessment of a set of resources (i.e., buildings), however a hierarchical relationship between the buildings is not shown as being set. FIG. 15 is a continuance of FIG. 8.

Applicant also notes that the cited paragraphs 0015, 0078, 0079 0110, and 0129 also fail to disclose the claimed setting of a hierarchical relationship between a first element having a first hierarchical level and a second element having a second hierarchical level subordinate to the first element. Paragraph 0015 is not seen as relevant; paragraphs 0078 and 0079 relate to FIG. 5 that depicts an Influence Network of risk nodes 510 and 510a. The nodes 510 and 510a are not the same as Applicant's first element comprising a physical facility having a first hierarchical level and a second element of a facility, resource, and asset having a second hierarchical level subordinate to the first element. Nodes 510 and 510a each relate to risk factors.

Paragraphs 0110 and 0129 are equally devoid of any disclosure of the claimed first element comprising a physical facility having a first hierarchical level and a second element of a facility, resource, and asset having a second hierarchical level subordinate to the first element. Referring to paragraph 0129 specifically, nodes 510 and 510a each relate to risk factors of FIG. 5. The parent and child nodes, 510 and 510a respectively, do not relate to the Office Action's building "element" and floor "element" within the building. As stated above and clearly disclosed by Beverina, the risk factors illustrated by nodes 510 and 510a are not the same as or substitutes for the Office Action's cited and relied upon building and floor within the building. Thus, the relationships depicted by nodes 510 and 510a do not refer to a similar or same relationship between the asserted and argued building and floor within the building.

Furthermore, Applicant has demonstrated with respect to the rejection under 35 USC 112, first paragraph, that the claimed "security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements" is supported by the Specification. Applicant notes that the claims specifically recite that

the “security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements”. Thus, it is not proper for the Office to allege that the claimed security risk is based solely on the element and is not based on the hierarchical level when the claims explicitly state that the security risk associated with the one or more of the first or second elements *is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements*.

Applicant respectfully submits that the claimed aspect of “the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements” is due the full consideration of the Office since it is in fact supported by the Specification and relevant to the claimed “receiving” operation.

Applicant further submits that even if Zimmers were combined with Beverina as alleged in the Office Action (not admitted as suggested by the references or feasible by Applicant), the alleged combination would not render claim 1 obvious. This is true since the asserted combination of references fail to disclose or suggest all of that for which they, in combination, were cited and relied upon for disclosing and/or suggesting.

In particular, the Final Office Action states that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Beverina to include the information/news feed of Zimmers, in order to provide emergency information to persons needing to be notified of such information.

Applicant respectfully submits that modifying Beverina to include Zimmers’ “real time weather feed” would merely result in the Beverina system/method that “fails to disclose the information related to the security risk is in real-time and is from a government agency or news feed” to include a real time weather feed. That is, the cited and relied upon Beverina/Zimmers combination would result in not render claims 1, 15, and 16 obvious since the Beverina/Zimmers combination would only yield a system/method that receives situational information and also receive real time news

feed information related to weather. Put another way, the Beverina/Zimmers combination does not receive information related security risk in real time. Only weather related information would be received, at most, in real time in the alleged Beverina/Zimmers combination.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 under 35 USC 103(a). Claims 2 and 4, 5, and 8 – 10 depend from claim 1. Applicant respectfully submits that claims 2, and 4, 5, and 8 – 10 are patentable over Beverina and Zimmers for at least depending from an allowable base claim, and claims 15 and 16 are patentable for at least the same reasons as claim 1.

## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

May 27, 2008  
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